



Seventh Floor
1401 Eye Street, N W
Washington, DC 20005

Telephone: (202) 467-6900
Fax: (202) 467-6910
Web site: www.wcsr.com

Mark Blacknell
Direct Dial: (202) 857-4523
Direct Fax: (202) 261-0023
Email: mblacknell@wcsr.com

DOCKET FILE COPY ORIGINAL

December 30, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, DC 20554

RECEIVED

DEC 30 2002

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

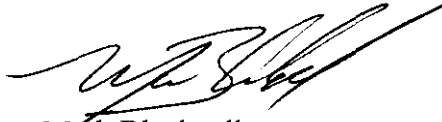
**Re: Amendment of Section 73.202(b)
Table of Allotments
Glenville, North Carolina
(MB Docket No. 02-352; RM-10602)**

Dear Ms. Dortch:

Transmitted herewith on behalf of Georgia Carolina Radiocasting Company, LLC is an original and four copies of its Counterproposal requesting the allotment of Channel 290A to Clyde, North Carolina in place of the original proposal in the above-referenced proceeding.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



Mark Blacknell

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

DEC 30 2002

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 02-352
Table of Allotments,)	RM-10602
FM Broadcast Stations.)	
(Glenville, North Carolina))	

To: Chief, Allocations Branch

COUNTERPROPOSAL

Georgia-Carolina Radiocasting Company, LLC ("GCRC"), by its attorneys and pursuant to Notice of Proposed Rule Making, MB Docket No. 02-352, RM-10602, **DA** 02-3066, released November 8, 2002 ("NPRM"), hereby submits its counterproposal in the above-referenced proceeding. In support whereof, the following is respectfully submitted:

Original Proposal

1. In response to a Petition for Rule Making ("Petition") filed by Glenville Radio Broadcasters ("GRB"), the Commission released the NPRM proposing the allotment of Channel 289A to Glenville, North Carolina, as that community's first local aural service.

Counterproposal

2. In lieu of GRB's Allotment Plan, GCRC proposes the allotment of Channel 290A to Clyde, North Carolina, as that community's first local aural service at coordinates 35-24-31 North Latitude, 82-52-50 West Longitude. Therefore, GCRC requests that the FM Table of Allotments be amended as follows:

¹ The NPRM established December 30, 2002 as the deadline for filing comments and counterproposals. Accordingly, the instant counterproposal is timely filed.

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Clyde, NC	- - -	290A ²

This Counterproposal will result in first local service, furthering the Commission's allotment priorities. There are no individuals that would be underserved as a result of implementation of this Counterproposal.

Allocation of Channel 289A to Clyde is Superior to Allocation of that Channel to Glenville

3. The proposed allotment at Glenville, North Carolina is the subject of a Notice of Proposed Rule Making first issued on November 8, 2002. While GRB has requested Channel 289A for allotment to Glenville, the allotment of that channel is mutually exclusive with GCRC's present request for 290A at Clyde. Furthermore, as will be demonstrated below, Glenville is clearly not a community under the Commission's well-established guidelines, and thus the Commission should favor the allocation of Channel 290A to Clyde.

Glenville Does Not Meet the Minimum Criteria of a Community

4. Glenville is clearly a not community as required by the Commission's allotment policies. The GRB Petition itself states as much in the first sentence of the first paragraph, acknowledging that Glenville is "otherwise known as Hamburg Township[.]" *See* Petition at 1. If the petitioner intends to provide Hamburg township with first local service, it should provide community indicia for Hamburg Township. Furthermore, while the Petition claims that Glenville (or Hamburg – it is not clear) is a "community with a population of 1,572 persons according to the 2000 U.S. Census," GCRC is unable to find any listing for either community in the 2000 Census population tables that designates Glenville as a Community Designated Place or Township. As such, Glenville should be presumed not to be a community suitable for allotment purposes absent a strong showing of community indicia. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is

² The proposed reference site for Clyde, NC on Channel **290A** is 35-24-31 North Latitude and 82-52-50 West Longitude, which is 14 kilometers south of the community of license.

generally satisfied if the community is either incorporated or listed in the U.S. Census).

5. Glenville is neither incorporated nor listed in the U.S. Census, and GRB does not establish that “Glenville” is anything more than **one of the two names** by which a neighborhood near a popular recreational lake is known. Glenville’s existence on a map indicates nothing more than its geographical location. *See* Vimville, Mississippi, 48 FR 5974 (1983) and Hannibal, Ohio, 6 FCC Rcd 2144 (1991).

6. As noted in the GRB Petition, Glenville does have a small post office and its own ZIP code. However, this small post office appears to offer only one rural route - otherwise all service comes through rental post office boxes in the small building. The Commission has previously found that the presence of a post office is not sufficient to establish community status. *See* Crestview and Westbay, Florida, 7 FCC Rcd 3059 (1992).

7. Furthermore, GRB has failed to establish a clear nexus between its cited social and economic organizations and Glenville (there are no cited governmental organizations). *See* Avon, North Carolina, 14 FCC Rcd 3939 (1999); and Belview, Minnesota, 11 FCC Rcd 12793 (1996). A review of the 1997 Economic Census summary for the area in the ZIP code GRB identifies as Glenville will show only two retail establishments are indicated for the area. *See* 1997 Economic Census for ZIP Code 28736 (available at www.census.gov). In fact, GRB has clearly had to borrow institutions intended to serve surrounding communities in an attempt to create a “community” in Glenville, and has failed to show any nexus between these organizations and businesses and the needs of Glenville residents. *See* Lupton, Michigan, 11 FCC Rcd 14428 (1996); Pleasant Dale, Nebraska, 14 FCC Rcd 18893 (1999); Kanarraville, Utah, 14 FCC Rcd 15962 (1999); and Littlefield, Arizona, 15 FCC Rcd 10263 (2000) (all noting that it is a critical deficiency where petitioner fails to demonstrate that the organizations and businesses in the proposed community are intended to serve the residents of that community rather than residents in other nearby areas). The Commission has previously rejected claims of

community status where a nexus between the political, social and commercial organizations and the community in question has not been shown. *See Pike Road and Ramer, Alabama*, 10 FCC Rcd 10347 (1995). For these reasons alone, GRB's proposal should be denied.

Clyde, North Carolina is Undeniably a Community Deserving of First Local Service

8. Clyde, North Carolina, is an incorporated township with a 2000 Census population of 1,324 persons. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census).

9. As an incorporated township, Clyde is governed by an elected Town Board that is comprised of four Aldermen and a Mayor. Day to day operations of the town are handled by a Town Manager. In addition, Clyde has both its own police force, fire department, and water authority, all of which are supported by Clyde's own taxing authority. Clyde also has its own post office and ZIP code of 28721.

10. Clyde has a thriving business and civic community that has grown to serve its citizens. See Exhibit A (partial listing of businesses and institutions serving Clyde). Businesses such as Clyde Power Equipment, Clyde Savings Bank, and Clyde's Wholesale provide both local employment and necessary goods and services. Clyde Central United Methodist Church, Clyde Church Of God, and Clyde Free Will Baptist Church are just some of the churches that serve this community. Yet Clyde does not have a local radio station.

11. Thus, GCRC proposes an allotment to provide a first local radio service to the well-established community of Clyde, North Carolina.³

³ Proposed reference site coordinates are 34-14-42 North Latitude 112-21-27 West Longitude

Allocation of 290A to Clyde Better Serves the Commission's Allotment Priorities than an Allocation of 289A to "Glenville"

12. While Glenville is not incorporated, a Census-listed township, or even a Census Designated Place - Clyde, North Carolina, is an incorporated township with a 2000 Census population of 1324 and undeniably a community deserving of first local service under the allotment priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). GRB has not demonstrated that Glenville is a bona fide community for allotment purposes, and on the basis of well settled Commission precedent, Channel 290A should be allotted to Clyde, North Carolina, thereby fulfilling the Commission's third allotment priority.

The Public Interest is Best Served by an Allocation of Channel 290A to Clyde, North Carolina

13. As the foregoing demonstrates, the allotment of Channel 290A is clearly in the public interest, as it results not only in a first local service to Clyde, but in an additional full time reception service to some 97,124 persons in an area of 2,465 square kilometers.⁴ The proposed site provides 100% continued city-grade coverage to the community of Clyde, North Carolina, and is compliant with the spacing restrictions of 73.207.⁵ There are no individuals that would be underserved as a result of the plan put forth in this Counterproposal.

⁴ See Technical Report at 2.

⁵ See Technical Report at 2 (Proposed coordinates are North Latitude 35-24-31, West Longitude 82-52-50.).

14. Therefore, GCRC requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Clyde, NC	- - -	290A

15. GCRC hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized will construct the facilities promptly and commence operation on Channel 289A at Clyde, North Carolina.

16. WHEREFORE, for the reasons above, the Petition filed by Glenville Radio Broadcasters should be denied, and the proposal of Georgia-Carolina Radiocasting Company, LLC should be adopted in its entirety.

Respectfully submitted,

**GEORGIA-CAROLINA RADIOCASTING
COMPANY, LLC**

By: 

John E. Garziglia
Mark Blacknell
Its Attorneys

Womble Carlyle Sandridge
& Rice, PLLC
1401 Eye Street, N.W.
Seventh Floor
Washington, D.C. 20005
(202) 857-4400

December 30, 2002

TECHNICAL REPORT

This **Technical Report** has been developed in support of a proposed rulemaking requesting the allocation of channel 290A to Clyde, NC (2000 population - 1,324) as a first local aural service. This proposal is mutually exclusive with the proposed rulemaking to add 289A at Glenville, NC (see E-1).

I. Proposed Allocation

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>	<u>Coordinates</u>
Clyde, NC	-----	290A	N35-24-31 W82-52-50 14 km south

Channel 290A may be allocated to Clyde, NC at arbitrary reference coordinates **N-35-24-31 W 82-52-50 (14 km south)** of the community in full compliance with Sections 73.207 and 73.315 of the Commission's rules. Exhibit E-1 demonstrates that all allocation requirements to licensed and protected facilities including minor change applications are met. Exhibit E-2 demonstrates that 70 dBu contour coverage is obtained to the entire community of Clyde based on a uniform maximum class A 70 dBu contour.

It is also noted that there is significant flexibility available for site selection for channel 290A. The site specified herein is an arbitrary reference point.

Charles M. Anderson and Associates

Broadcast Consultants
Tuscaloosa, AL 35406

Phone 205-366-9978
Fax 205-366-1622
Cell 205-534-0486

II. Population Area:

The allocation of 290A at Clyde will provide a new fulltime aural service to a population of 97,124 and an area of 2,463 square kilometers. The population study was conducted with the **V-Soft IDCENSUS** program utilizing 2000 Census data. Coverage plots were developed using the NGDC 30 second terrain database and the V-Soft **INTERDLG** program.

III. Conclusion

It is concluded that the allocation of channel 290A will provide a first local aural service to Clyde, NC (1,324 - 2000 population) and will provide a new fulltime aural service to a population of 97,124 and an area of 2,463 square kilometers. Furthermore, the proposed allotment will meet the requirements of Sections 73.207 and 73.315 of the Commission's rules.



Charles M. Anderson December 28, 2002

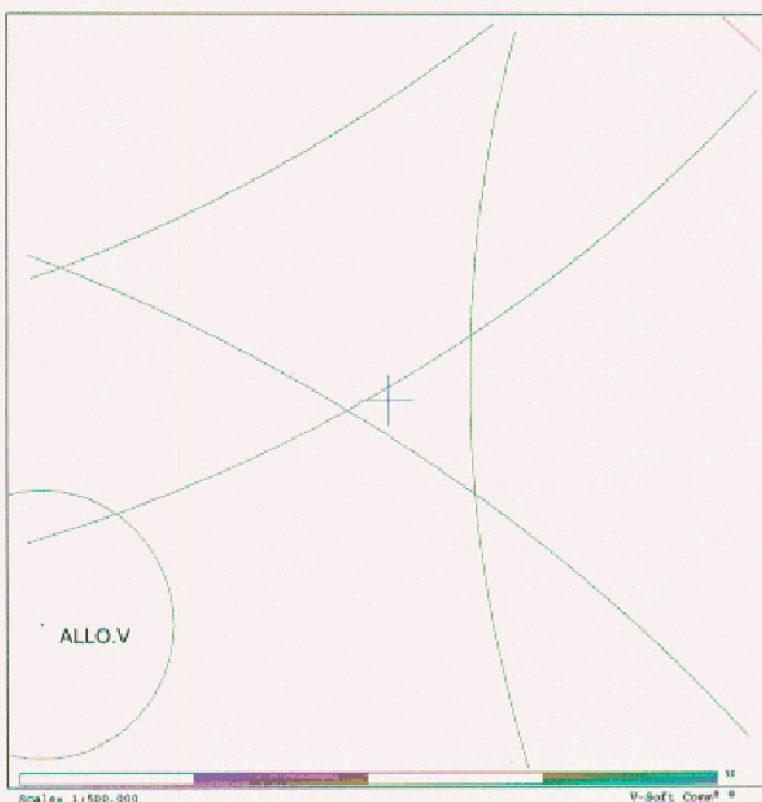
Copyright 2002 Charles M. Anderson and Associates

E-1 CLYDE NC 290A ALLOCATION

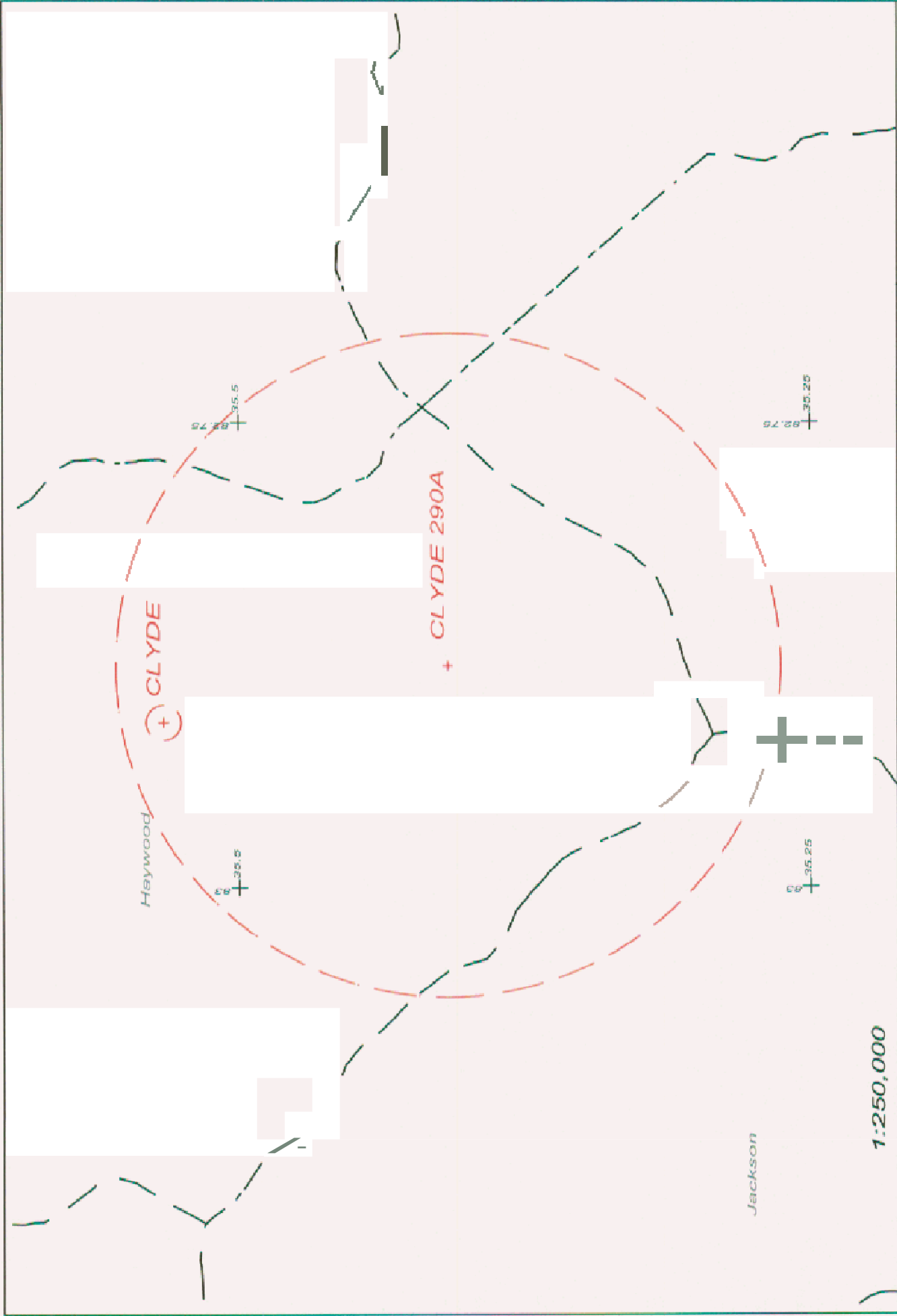
FMCONT(™) LOCATE STU

Ch 290 A
105.9 MHz

N. Lat. 35 24 31
W. Lng. 82 52 50

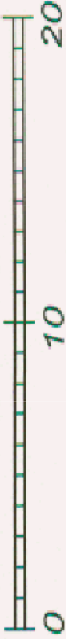


Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
RADD	289A	- ADD	Glenville	NC 35.35	218.8	71.5	-36.15
WCTU.A	290A	- APP	Tazewell	TN 115.29	330.1	114.5	0.79
WNGC	291C1-	LIC	Toccoa	GA 134.59	211.9	132.5	2.09
WNGC.C	291C1-	CP	Toccoa	GA 134.59	211.9	132.5	2.09
WAGIFM	287C*	- LIC	Gaffney	SC 100.37	89.1	94.5	5.87
ALLO.U	287C	- USE	Gaffney	SC 100.37	89.1	94.5	5.87
WCTU	290A	- LIC	Tazewell	TN 132.76	331.7	114.5	18.26
ALLO.U	290A	- USE	Tazewell	TN 132.76	331.7	114.5	18.26
ALLO.V	237A	- VAC	Dillsboro	NC 29.53	237.4	9.5	20.03
ALLO.V	292A	- VAC	Pigeon Forge	TN 67.95	301.5	30.5	37.45
WFMX	289C	- LIC	Statesville	NC 202.74	75.9	164.5	38.24
ALLO.U	289C	- USE	Statesville	NC 202.74	75.9	164.5	38.24
ALLO.U	288A	- USE	Gatlinburg	TN 70.23	298.1	30.5	39.73
WSEVFM	288A	- LIC	Gatlinburg	TN 70.23	298.1	34.5	39.73
WGVC	292C3-	LIC	Simpsonville	SC 90.45	133.9	41.5	48.95
WGVC.C	292C3-	CP	Simpsonville	SC 90.45	133.9	41.5	48.95
WMMY	291C3-	LIC	Jefferson	NC 155.27	48.2	88.5	66.77
ALLO.R	292C3-	RSV	Simpsonville	SC 108.99	140.4	41.5	67.49
ALLO.U	289C	- USE	Augusta	GA 235.22	158.5	164.5	70.72
WZNY	289C*	- LIC	Augusta	GA 240.41	156.3	164.5	75.91
WJDT	293A	- LIC	Rogersville	TN 111.20	346.1	30.5	80.70
ALLO.V	291A	- VAC	Oliver Springs	TN 153.28	299.9	71.5	81.78



1:250,000

Scale in km



CLYDE, NC 290A 0kW OM AMSL

N. Lat. 35 24 31 W. Lng. 82 52 50

CLYDE, NC

C. Anderson - 12

Exhibit A

Clyde, North Carolina

Business Name	Address	Phone Number	Hours of Operation
209 Auto Sales	55 Carolina Blvd.	828 627-8209	
A Perfect Touch	42 Smathers St.	828 627-3123	
American Payroll	81 Depot St.	828 627-2271	
Angie's Dance Academy	115 Glance St.	828 627-DANS	
Attitude With Style	7969 Carolina Blvd.	828 627-1040	
Bill's Seamless Guttering	35 Hemlock Ln.	828 627-3311	
Britthaven Of Clyde	47 Morgan St.	828 627-2789	
CBJ Auto Sales	1280 Carolina Blvd.	828 627-2011	
Car-Bren Beauty Salon	3377 E. Broad St.	828 627-9769	
Carolina Computers	3377 E. Broad St.	828 627-6900	
Carolina Fence		828 627-0643	
Cato Plumbing	240 Hyder Mountain Rd.	828 627-9403	
Central Haywood Church Of Christ	98 Lee Rd	828 627-9065	
Clyde Central United Methodist Church	410 Charles St.	828 627-0742	
Clyde Church Of God Parsonage	320 Thompson Cove Rd.	828 627-2541	
Clyde Dental Laboratory	166 Nelson St.	828 627-2200	
Clyde Fire Department			
Clyde First Baptist Play School	18 S. Main St.	828 627-2257	
Clyde Florist	109 Depot St.	828 627-6037	9-5 M-F; 9-12 Sat.
Clyde Free Will Baptist Church	2221 Jones Cove Rd.	828 627-0700	
Clyde Headstart Center	384 Jones Cove Rd.	828 627-0060	
Clyde Laundromat	3384 E. Broad St.		
Clyde Mobile Home Park		828 627-9319	
Clyde Police Department	14 Depot St.	828 627-2940	
Clyde Post Office	22 Carolina Blvd.	828 627-2831	9-5 M-F; 9-12 Sat.
Clyde Power Equipment			9:30-5 M-F; 9:30-12 Sat
Clyde Savings Bank	8583 Carolina Blvd.	828 627-9621	
Clyde Town Hall	105 Depot St.	828 627-2586	
Clyde's Wholesale	7959 Carolina Blvd.	828 627-3935	
Crabtree United Methodist Church	NC 209 Hwy	828 627-6755	
Danyco Carpet	500 Jones Cove Rd	828 627-2658	
Darryl Nabors. DDS	40 Nelson St.	828 627-1800	
Diversified Supplies Inc	129 Falling Spring Rd.	828 627-3599	
Driver's License Office	Lee Rd.	828 627-6969	
E-Z Stop #2	8721 Carolina Blvd.	828 627-9081	
Economy Plumbing and Heating Repair	60 West Broad St.	828 627-2970	
Express Lane Service Station and Car Wash	8718 Carolina Blvd	828 627-9941	7AM-8PM M-Sat. 9AM-8PM Sun, Car wash 24 hrs.
FBF Trucking Co	68 Best Ln.	828 627-2383	
Ferguson's Supply	11571 Betsy's Gap Rd	828 627-6404	
Fines Creek Volunteer Fire	Lower Fines Creek Rd	828 627-0102	
Food Lion	Wal-Mart Plaza	828 456-4661	
Fran's Diner	7 Carolina Blvd.	828 627-0077	
Glance Apartments	4 Broad St.	828 627-9207	
Grab A Tan	3386 E. Broad St.	828 627-1TAN	

Guardian Security Systems Incorporated	28 Danielwood Ct	828 627-1099	
Hairitage	80 Smathers St.	828 627-3002	
Handy Hannah's	1630 Old Clyde Rd.	828 627-8600	
Hannan's Bug Stop	1601 Old Clyde Rd.	828 627-8875	
Haywood Appliance	8805 Carolina Blvd.	828 627-0001	
Haywood Community College	185 Freedlander Dr.	828 627-2821	
Haywood Community College Child Development Center	1 Freedlander Dr.	828 627-2657	
Haywood County Rescue Squad		828 627-1112	
Haywood Regional Medical Center	262 Leroy George Dr	828 456-7311	
Higher Ground Industries		828 627-3335	
Highland Enterprises	34 Rathbone Loop	828 627-9078	
Hill Top Research, Inc.	6750 Carolina Blvd.	828 627-8500	
Hyde Supply	7989 Carolina Blvd.	828 627-0256	
Hyder Mountain Horse Farm	222 Brigadoon Dr	828 627-6999	
Jewelry Corner	11571 Betsy's Gap Rd	828 627-8000	
John Highsmith and Charles Fultz, DDS	78 Nelson St.	828 627-9282	
Kiddieland	113 Mountain View St.	828 627-2019	
Lil's Wholesale	88 Main St	828 627-1148	9:30-5:30 M-F; 10-5 Sat
Louisa Chapel United Methodist Church	51 S. Main St	828 627-6009	
Mason Seamless Guttering	79 Windsong Lane	828 627-0740	
Meadowland Apartments	29 Jones Cove Rd	828 627-0615	
Mehaffey Auto Sales	8149 Carolina Blvd.	828 627-1040	
Midway Medical Center	6750 Carolina Blvd.	828 627-2211	
New Beginnings	49 Main St.	828 627-2026	10-8 M, Tu, Th; 10-3W, F
New Covenant Church	767 Lee Rd.	828 627-9000	
New Happy Garden Restaurant	207 Paragon Pkwy	828 452-7388	
Old Grouch's Military Surplus	84 Main St.	828 627-0361	9:30-6 M-F; 9:30-5 Sat.
Panthers Auto Sales	6884 Carolina Blvd.	828 627-2266	
Papa's Pizza	179 Paragon Parkway	828 452-4409	
Parents Against Teen Suicide	8 S. Main St.	828 627-1001	
Pawn Express	8764 Carolina Blvd.	828 627-1853	
Pop's Mini Marl	143 Jones Cove Rd	828 627-6070	
Powell's Hair Fashions	20 Depot St.	828 627-2978	
Price Well And Auto Pump Co Inc	914 Chambers Mountain Rd	828 627-2817	
R&R Car Care	8491 Carolina Blvd.	828 627-0789	8-5 M-F; 8-12 First and last Sat of month
Randy Best Excavating	3659 Crabtree Mountain Rd.	828 627-2758	
Richards Seamless Gutters		828 627-8543	
Sherill's Pioneer Restaurant	8363 Carolina Blvd.	828 627-9880	5-9p M-Sat
Shoney's	65 Paragon Parkway	828 452-5171	
Singleton's Automotive	8325 Carolina Blvd	828 627-9060	
Skyland Camp For Girls		828 627-2470	
Smoky Mountain Roasters	3322 E. Broad St	828 627-0020	9-4 M-F
Southern Tree Care	RR 3 Box 36b	828 627-2762	
Speedy Plumbing		828 627-3770	
Spencer's Fencers		828 627-3090	
Standard Bookkeeping & Accounting	Little Panther Creek	828 627-0049	
Subway	297 Paragon Parkway	828 456-3354	
Sweet Fellowship Baptist Church			

The Home Place Realty	8511 Carolina Blvd.	828 627-8200
The Ice Box	4434 Old Clyde Rd.	828 627-0999
The Legacy Of Hair	74 Main St.	828 627-9070 9-? Tue.-F
The Martial Arts Center	3336 E. Broad St.	828 627-8540
Timber Ridge Apartments	43 Ward St	828 627-3371
Town of Clyde Tax and Water Dept.		828 627-2566 9-12, 1-5 M-F
Tropical Tanning Salon	29 Nelson St.	828 627-0004
Valley Heating, Air Conditioning, And Refrigeration	95 Depot St.	828 627-9868
Wal-Mart	201 Paragon Parkway	828 456-4828
Waynesville Hardwood	8011 Carolina Blvd.	828 627-6348
WindDancers Lodging& Llama Treks	1986 Martin's Creek Rd	828 627-6906
Windsong Mountain Inn	459 Rockcliffe Lane	828 627-6111

If your business is not listed, please go here to add your listing, or e-mail info@clydenc.org with your information.

[\[welcome\]](#) [\[History\]](#) [\[Town Hall\]](#) [\[Free Info\]](#) [\[Local Businesses\]](#)

CERTIFICATE OF SERVICE

I, Regina McFadden, a secretary in the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that I have on this 30th of December, 2002, caused copies of the foregoing Counterproposal to be mailed to the following by first-class United States mail, postage prepaid:

John C. Trent, Esq.
Putbrese, Hunsaker & Trent, P.C.
100 Carpenter Drive, Suite 100
P.O. Box 217
Sterling, Virginia 20167-0217
(Counsel for Glenville Radio Broadcasters)



Regina McFadden